

Notice of Allowability

Application No.

10/800,406

Examiner

Shaheda A. Abdin

Applicant(s)

YAO, XIAOTIAN STEVE

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendmend file on 08/15/2007.
2. ☒ The allowed claim(s) is/are 16-21 and 26-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. The Information Disclosure filed on 09/12/2007 has been entered and considered by examiner.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below.

Cancel claims 1-4 and 30.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bing Ai on Oct 23, 2007.

3. The following is an examiner's statement of reasons for allowance:

Allowable Subject Matter

4. Claims 16-21 and 26-29 are allowed.
5. The following is an examiner's statement of reasons for allowance:

(1) Regarding claim 16-21:

The prior art of record does not teach or suggest that a plurality of

Art Unit: 2629

polarization beam splitter can be placed in optical paths of the different WDM channels, respectively, wherein each polarization beam splitter splits a corresponding WDM channel into two monitor beams that are orthogonally polarized.

a plurality of filters can be disposed in one of the two monitor beams for the different WDM channels, respectively, each operable to produce a difference in power between noise power levels in said two monitor beams for each WDM channel without affecting signal power levels in said each WDM channel in said two monitor beams..

(2) Regarding claims 19-22:

The closest prior art fails to disclose a second WDM demultiplexer to receive said second beam to separate different WDM channels in said second beam, wherein said first WDM demultiplexer is different from said second WDM demultiplexer in way that a noise power level in an output WDM channel from said first WDM demultiplexer is different from a noise power level in the same WDM channel from said second WDM demultiplexer;

a first set of optical decoders located to receive different WDM channels from said first WDM demultiplexer.

a second set of optical detectors located to receive different WDM channels from said second WDM demultiplexer;

(3) Regarding claim 26-29

The closest prior art fails to disclose a quarter waveplate in said optical path to receive output light from said first and said second polarization rotators;

third and fourth polarization rotators sequentially positioned in said optical path to receive output light from said quarter waveplate, wherein each polarization rotator is adjustable in response to a control signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiry

6. Any inquiry concerning this communication should be directed to the examiner at (571) 270-1673 Monday- Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen Liu, can be reached at (571) 272-7772

Information regarding the status on an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2629

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9799 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of patents and trademarks

Washington, D.C. 20231

Or fax to:

(703)872-9314 (for Technology Center 2600 only)

Shaheda Abdin

10/29/2007

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CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER